

Application Number 10/602,384
Response to Office Action mailed August 3, 2007

distinct inventions: (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and (B) there must be a serious burden on the examiner if restriction is not required (emphasis added).

The August 3, 2007 Office Action asserts that "there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification."

However, Applicant respectfully submits that many of the elements of independent claims 1 and 14 are similar. For example, while claim 1 recites specific structural elements, claim 14 is directed to similar subject matter in method claim format. As a result, although the independent claims of the Inventions I and II differ, Applicant respectfully submits that there is no serious burden on the Examiner with respect to examination of claims 1-25, and the restriction should be withdrawn. That there is no serious burden on the Examiner is further evidenced by the fact that independent claims 1 and 14 have already been the subject of substantive examination in a previous Office Action (see the Office Action mailed February 23, 2007).

Consequently, the restriction between Group I and Group II is improper and should be withdrawn.

CONCLUSION

Applicant respectfully requests reconsideration and withdrawal of the restriction between Group I and Group II for the reasons set forth above. If a telephone interview would be helpful in advancing the status of the present application, the Examiner is invited to telephone the below-signed attorney to discuss the application.

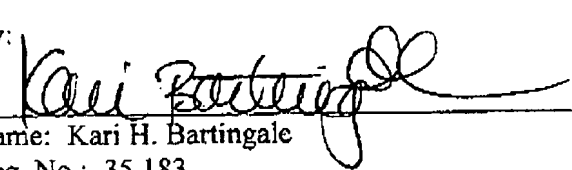
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Date:

September 4, 2007

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